

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 89-189
NPDES NO. CA 0027961

AMENDMENT OF WASTE DISCHARGE REQUIREMENTS, ORDER NO. 88-158

INTERNATIONAL BUSINESS MACHINES
SAN JOSE
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

1. The Board adopted Order No. 88-158 (NPDES No. CA 0027961) for International Business Machines (hereinafter called the discharger) on October 19, 1988. Order No. 88-158 regulates the discharge of extracted groundwaters to either surface waters or for reclamation purposes. Order No. 88-158 expires on December 31, 1989.
2. The discharger appealed the expiration date of Order No. 88-158 to the State Water Resources Control Board (hereinafter called the State Board). The State Board, in Order No. WQ 89-10 directed the Board to reconsider Order No. 88-158, noting that : "While an NPDES permit may have a term for less than five years, a permit with a shortened duration should have findings supporting the lesser time, and should not include provisions and tasks to be completed beyond the expiration date of the permit."
3. The discharger's plume of chemicals originating from its site is the largest in the San Francisco Bay Region and the amount of groundwater being pumped to remediate the chemical plume is the largest in the Region. As part of the remediation program the discharger will install an extraction well off-site at Branham Lane. The Santa Clara Valley Water District will evaluate the potential for reuse of groundwater extracted at Branham Lane for domestic supply. It is expected that a project for domestic reuse could be completed in approximately two years. Therefore the Board finds that periodic formal review of this project, including remediation and reuse of the pumped groundwater, is warranted by the Board itself. In order to achieve the special review deemed necessary by the Board, the expiration date of the permit will be for a limited term to assure Board review of the project on a frequent basis with the authority to modify or reissue the permit at that time.
4. To comply with State Board direction all time schedules past the expiration date of this permit will be deleted. However, it is the intent of the Board to impose similar time schedules in future reissuances of the permit.

5. In order to give the discharger sufficient time to coordinate with the Santa Clara Valley Water District's reuse efforts at Branham Lane, and because of the progress made to date on the groundwater remediation and reuse program, the Board will extend the life of the permit two years. Prior to expiration of this extended permit term, the Board will review the groundwater status in the Santa Teresa Basin and reuse associated with IBM's remediation program. At that review, without prior reapplication by the discharger, the Board will consider a two year renewal of the discharger's NPDES permit. Such renewal may be granted if the discharger continues to demonstrate good faith efforts toward attaining reuse.
6. The issuance of waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.
7. The Board has notified the discharger and interested agencies and persons of its intent to issue waste discharge requirements for the discharge and has provided them an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
8. The Board, in a public meeting, heard and considered all comments pertaining to the discharge.

IT IS HEREBY ORDERED that the discharger, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. Amendments of Order No. 88-158

Order No. 8-158 shall be amended as follows:

1. In Provision 9 the date "December 31, 1989" shall be deleted and replaced with "December 31, 1991".
2. Provision 4.f. is hereby deleted.

I, Steven R. Ritchie, Executive Officer do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region on December 13, 1989.



STEVEN R. RITCHIE
Executive Officer